

REMARKS

Claims 1-14 are pending in the application. The Examiner has rejected Claims 3-5, 7, 9, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by Nanda et al. (U.S. Patent 5,842,113). The Examiner has rejected Claims 1, 2, 6, 8, 10, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Nanda et al. in view of Chen et al. (U.S. Patent 6,373,823).

Regarding the rejections of independent Claims 1, 3, 5, 7, 9, 11 and 13, Nanda et al. discloses a method and apparatus for controlling transmission power in a forward link of a CDMA telecommunication system by generating a power offset value corresponding to the frame transmission rate. Chen et al discloses a method and apparatus for controlling transmission power in the mobile communication system, wherein the transmission power control is performed by comparing the measured signal to noise ratio (SNR) with a threshold value mentioned during a closed loop power control.

However, the claims of the present application recite a method and apparatus for performing power control irrespective of whether there is data to be transmitted, in which a frame error rate of the signal to noise ratio (SNR) and data transmission during discontinuous transmission is tabulated and the transmission power adjustment is performed by referring to a reference table. In this regard, the offset value for controlling the transmission power differs according to the gating rate. This is a fundamental distinction from the offset value of Nanda et al. defined according to the transmission rate.

Regarding Chen et al., the reference discloses only that which is well known in the art, namely, controlling the transmission power when the measured signal to noise ratio is less than a threshold value, but does not disclose which signal the signal-to-noise ratio is based on. On the contrary, the claims of the present application recite measuring the measured signal-to-noise ratio (SNR) in the power control group units in order to determine whether frame error of the received signal is generated or not, and accumulating the cases where the signal-to-noise ratio (SNR) is less than the predetermined threshold, wherein if the accumulation number is greater than the

predetermined reference value, determining that frame errors have occurred. In this connection, the compensation of transmission power as to the frame error is determined by using the offset value defined according to a state of the gating rate. That is, as recited in the claims, the offset constructed in the table form is used before state transition of the gating rate.

As neither Nanda et al. nor Chen et al. teaches or discloses, either alone or in combination, at least these elements, withdrawal of the rejections is respectfully requested.

Independent Claims 1, 3, 5, 7, 9, 11 and 13 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, 6, 8, 10, 12 and 14, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 4, 6, 8, 10, 12 and 14 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-14 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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